

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
JEFFREY DESKOVIC,

Plaintiff,

vs.

CITY OF PEEKSKILL, PUTNAM COUNTY,
WESTCHESTER COUNTY, DAVID LEVINE,
THOMAS MCINTYRE, WALTER BROVARSKI,
EUGENE TUMOLO, JOHN AND JANE DOE
SUPERVISORS, DANIEL STEPHENS, LOUIS
ROH, MILLARD HYLAND, PETER INSERO, and
LEGAL AID SOCIETY OF WESTCHESTER
COUNTY,

Defendants.

LINDA MCGARR,

Plaintiff,

vs.

CITY OF PEEKSKILL, PUTNAM COUNTY,
WESTCHESTER COUNTY, DAVID LEVINE,
THOMAS MCINTYRE, WALTER BROVARSKI,
EUGENE TUMOLO, JOHN AND JANE DOE
SUPERVISORS, DANIEL STEPHENS, LOUIS
ROH, MILLARD HYLAND, PETER INSERO, and
LEGAL AID SOCIETY OF WESTCHESTER
COUNTY,

Defendants.

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Index No. 07-CV-8150 (KMK)(GAY)

Index No. 07-CV-9488 (KMK)(GAY)

**THIRD PARTY PLAINTIFF CITY OF
PEEKSKILL'S NOTICE OF MOTION
FOR JUDGMENT ON THE
PLEADINGS PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 12(C) THAT:**

- (a) Westport Insurance Corporation's Insurance Policies Must Respond to the Allegations in the Deskovic and McGarr Actions;**
- (b) Underwriters at Lloyd's, London's Insurance Policies and Illinois Union Insurance Company's Insurance Policies Must Respond to the Allegations in the Deskovic and McGarr Actions;**
- (c) United National Insurance Company's Insurance Policies Must Respond to the Allegations in the Deskovic and McGarr Actions; and,**
- (d) Harco National Insurance Company's Insurance Policies Must Respond to the Allegations in the Deskovic and McGarr Actions.**

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CITY OF PEEKSKILL,

Third-Party Plaintiff,

vs.

WESTPORT INSURANCE CORPORATION as successor-in-interest to NORTH RIVER INSURANCE COMPANY, WESTPORT INSURANCE CORPORATION as a successor-in-interest to INTERNATIONAL INSURANCE COMPANY, UNDERWRITERS AT LLOYD'S, LONDON, CX REINSURANCE COMPANY LIMITED as successor-in-interest to CNA INTERNATIONAL REINSURANCE COMPANY, CX REINSURANCE COMPANY LIMITED as successor-in-interest to CNA REINSURANCE OF LONDON, LIMITED, SPHERE DRAKE INSURANCE PLC, ILLINOIS UNION INSURANCE COMPANY, UNITED NATIONAL INSURANCE COMPANY, TRAVELERS INDEMNITY COMPANY as successor-in-interest to GULF INSURANCE COMPANY, AMERICAN MOTORISTS INSURANCE COMPANY as successor-in-interest to AMERICAN PROTECTION INSURANCE COMPANY, AMERICAN MOTORISTS INSURANCE COMPANY as successor-in-interest to SPECIALTY NATIONAL INSURANCE COMPANY, HARCO NATIONAL INSURANCE COMPANY, and AMERICAN ZURICH INSURANCE COMPANY,

Third-Party Defendants.

Pursuant to Federal Court Rule of Civil Procedure 12(c), Third-Party Plaintiff, the City of Peekskill (the “City”), by its attorneys, respectfully moves this Court for judgment on the pleadings that the allegations set forth in *Deskovic v. City of Peekskill, et al.*, No. 07-CV-8150 and *McGarr v. City of Peekskill, et al.*, No. 07-CV-9488 trigger the insurance policies sold to the City for the period 1990 through 2006 by Westport Insurance Corporation as successor-in-interest to North River Insurance Company, Underwriters at Lloyd’s, London, Illinois Union Insurance Company, United National Insurance Company, and Harco National Insurance Company.

The accompanying memorandum of law, Affidavit of William G. Passannante, and the exhibits thereto set forth the basis for this motion. Oral argument will be on a date and at a time that the Court designates.

Dated: June 10, 2013

By: /s/ Steven J. Pudell
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PLAINTIFF CITY OF PEEKSKILL**